

REMARKS

In this response, claims 2, 7, and 20-22 have been canceled, and new claims 26-29 have been added. Thus, claims 1, 3-6, 8-19, 23-25, and 26-29 are now pending in this application. The Office Action issued by the Examiner has been carefully considered.

CLAIM OBJECTIONS

Claim 18 has been objected to. Claim 18 has been amended above to positively recite a server configured to perform various functions. The use of functional language in a claim is well-accepted as being proper. Accordingly, Applicant now requests that this objection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-17, 18, 19, and 20-25 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

In an attempt to expedite prosecution, Applicant has amended the claims above to make this rejection moot by removing the phrase in dispute from all claims (e.g., the phrase “storing both the existing computer network directory and the new computer network directory” is removed from claim 1). Applicant reserves the right to later argue support for usage of this phrase if Applicant later amends claims or adds new claims incorporating this or a similar phrase. Accordingly, Applicant requests that this rejection now be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 101

Claim 19 has been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended claim 19 above to now recite a “computer-readable medium having computer-executable instructions for performing, when executed on a computer, a method . . .” which is a claim form that Applicant respectfully submits is proper for claiming statutory subject matter. Accordingly, Applicant requests that this rejection now be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102

Claim 18 has been rejected under 35 U.S.C. § 102 as being anticipated by Vittal et al. (US Patent No. 6,907,401).

Applicant’s independent claim 18 has been amended to recite the use of “an existing computer network directory of a plurality of providers originally associated with a master entity” to “create a new computer network directory using the existing computer network directory based on the customization model, wherein the new computer network directory comprises a subset of the plurality of providers originally associated with the master entity.”

The Examiner states, with respect to an obviousness rejection below, that Vittal teaches a new computer directory that is a subset of the entities in the existing (initial) computer network directory. Vittal describes (see Fig. 2) that a merchant may switch on and off the inclusion of the merchant’s database (35) catalog items in the catalog (44) of an aggregator (40). However, Vittal only describes a merchant that provides catalog items to an aggregator. Nowhere does Vittal teach that a “new computer network directory comprises a subset of the plurality of providers originally associated with the master entity” for an “on-line shopping mall for a subordinate entity.”

The example provided by the Examiner only involves the inclusion or exclusion (i.e., switching on and off) of catalog items from the merchant, and not any such items “originally associated” with the aggregator. In other words, the catalog items submitted from the merchant itself to the aggregator are not originally associated with the aggregator as such items originally come from the merchant when it first interacts with the aggregator.

For example, Vittal describes at col. 5, lines 33-38, that “[a]fter the merchant gains access to the portal switch, the merchant may use the portal switch to give permission to the aggregator to display information associated with the merchant to the user 20, and to start participating in the aggregator.” Here, Vittal makes clear that the information is from the merchant, and not originally from the aggregator.

Also, for example, Vittal describes at col. 13, lines 53-62, that “[b]y activating the switch in step 124, the merchant participates in the aggregator's Web site by . . . allowing the aggregator 40 to access the merchant B database 35,” and that the “user 20 interacts with the merchant 38 via the aggregator 40” and “the user may have access to all or only a portion of the merchant's catalogue data.” Vittal again makes clear here that Vittal is discussing inclusion of the merchant's original data, and not a subset of data originally associated with the aggregator.

Finally, if the merchant switches off the portal switch, Vittal describes at col. 13, line 65, to col. 14, line 2, that the “merchant may deactivate the portal switch 39 at any time, thereby withdrawing from the aggregator's Web site/portal, step 118. From that time on, the aggregator 40 no longer has the permission of the merchant to collect or use data from the merchant's site.” Vittal again makes clear here that Vittal is only teaching inclusion or exclusion of the merchant's data, and not a subset of providers originally associated with the aggregator. Therefore, Applicant respectfully requests that this anticipation rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

A. Claims 1-17 and 19-22 have been rejected under 35 U.S.C. § 103(a) over Vittal et al. (US Patent No. 6,907,401) in view of Feathers et al. (US Application Publication No. 20020055933) and further in view of Calver (US Application Publication No. 20010032092).

Applicant's independent claim 1 as amended now recites "creating a new computer network directory of a second plurality of providers associated with the subordinate entity using the existing computer network directory as governed by the customization model, wherein the second plurality of providers comprises a subset of the first plurality of providers" originally associated with the master entity (see preamble of claim 1). For similar reasons as discussed above, Vittal does not teach or suggest this.

Further, neither Feathers nor Calver satisfies this deficiency of Vittal. For example, Feathers merely describes the identification of a source referring users to an on-line retailer. Feathers does not even suggest creating any new network directory using a subset of providers originally associated with a master entity.

Calver merely describes a web-based portal for delivering business information to customers (par. 0020). Calver describes collecting entered user information in a database (par. 0118), but Calver does not suggest any new network directory using a subset of providers originally associated with a master entity. Therefore, Applicant respectfully requests that this rejection of claim 1 be withdrawn.

Independent claim 19 similarly recites that "the new computer network directory comprises a subset of the plurality of existing providers originally associated with the master entity." Accordingly, claim 19 is believed allowable for the reasons discussed above, and Applicant respectfully requests this rejection of claim 19 also be withdrawn.

B. Claims 23-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vittal et al. (US Patent No. 6,907,401) in view of Feathers et al. (US Application Publication No. 20020055933).

Applicant's independent claim 23 recites that "the new computer network directory comprises a subset of the plurality of providers originally associated with the master entity." Accordingly, claim 23 is believed allowable for similar reasons as discussed above with respect to claim 1, and Applicant respectfully requests this rejection of claim 23 be withdrawn.

NEW CLAIMS

New claims 26-29 have been added to this application.

Independent claim 26 recites that "the existing computer network directory comprises a plurality of providers originally associated with the master entity; and (ii) the new computer network directory comprises a link to each of a subset of the plurality of providers." Accordingly, claim 26 is believed allowable for similar reasons as discussed above with respect to claim 1, and Applicant respectfully requests the allowance of this new claim 26.

CONCLUSION

Applicant's other claims depend, directly or indirectly, from independent claims 1, 23 and 26 above and are believed allowable for at least the reasons discussed above.

In view of the above, Applicant respectfully requests the reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the

Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the right to later address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 50-2638. If an extension of time is required, this should be considered a petition therefor.

Respectfully submitted,



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